

**REMARKS**

This amendment is filed in response to the Final Office Action dated June 6, 2005 for the above-identified patent application.

Claim 1 has been amended to change the lower quantitative limitation. The claimed range is thus now “between 0.2 and 0.3.” Supports for the lower limit can be found in the specification at page 10, line 22, which discloses a range of 0.2-0.6. The upper limit of the range in Claim 1 is also supported by Example 1, disclosing that the total amount of the emulsifier used in the grafting process is 0.3 (0.1 + 0.2) parts by weight. See line 18 of page 16 and line 4 of page 17. As the Examiner noted, the Board in *In re Wertheim*, 641 F.2d 257, 191 U.S.P.Q. 90 (C.C.P.A 1976) has allowed introduction of a narrower range by use of an endpoint present in an example. Thus, the upper limit of 0.3 is also supported.

The Applicants have also amended Claims 2 and 3 to change the term “about 0.004 or less” to “within the range of 0 to 0.004.” The ranges of claim 2 and 3 indicate the difference of refractive index between two materials. It is a common understanding to one skilled in the relevant art of the present invention that the word of “difference” implies a meaning of a range, and the lower limit of the range cannot be less than 0. Therefore, the amended expression of “within the range of 0 to 0.004” can be said to have same meaning as “within the range of 0.0004” disclosed in original Claims 2 and 3, and thus such amendment is supported by the disclosure of original specification filed at the time of application.

Claims 1-8, 10 and 11 have been rejected under 35 U.S.C. § 112, first paragraph, as being lack of written description especially with respect to the terms, “between about 0.1 and

about 0.3” of Claim 1, “about 0.2 to about 0.3” of Claim 11, and “about 0.004 or less” of Claims 2 and 3.

In light of the amendments and arguments made above, it is believed that Claims 1-8, and 10 are fully supported by the specification. Withdrawal of the rejections is respectfully requested.

Since Claim 11 has been canceled, the rejections directed to Claim 11 are now moot.

Claims 1-8 and 10 have been rejected under 35 U.S.C. §103 as being unpatentable over Minoru et al. (JP 2000-178405).

The Examiner found applicant’s previously response insufficient to overcome the rejection because “the difference between the patent and claims appears to be only the use of applicants particular emulsifier.” Also, the Examiner stated that the Applicant’s declaration was not clear as to the use of the term “parts” since it is a relevant term.

Applicants respectfully disagree. First of all, the declaration at paragraph 8 clearly states that the comparative examples submitted were conducted in comparison with the Example 1 of the specification. Also each comparative example explicitly states that the transparent resin was prepared by using the same method as the Example 1 except the condition identified therein. In the Example 1, the amount of the emulsifier was determined by weight in comparison of other reactants in the process. For example, when 40 g of rubber latex is used, 0.3 g of the emulsifier should be used. Thus, although the term, “parts” is a relative term, meaning of the term would be clear to one skilled in the art. The Examiner stated that paragraph 47 of Minoru appears to have Applicant’s parts when the parts of patentees are divided by about 7. This is not correct.

The paragraph 47 discloses that 50 section of the polybutadien latex and 2.5 section of emulsifier, lauric-acid sodium (sodium laurate). Dividing these number by 7 would not render a proper comparable scale of the amount. A proper conversion should be  $2.5 \times 40 / 50$ , which would determine how much the emulsifier was used per 40 parts or sections of the latex in Minoru. According to the equation, the example in Minoru uses 2 parts of the emulsifier per 40 parts of the latex. Thus, Minoru does not teach the amount limitation of the present claimed invention.

Second, the Examiner criticized the comparison Example B as falling within the metes and bounds of the claim. However, please note that the comparison Example B was submitted to show that the emulsifier, lauric-acid sodium used in Minoru would not give the unexpected result of the present invention even if it is used within the metes and bounds of the claimed invention. The below table compares the properties of the resins prepared according to Example 1 of the present specification and the comparison Example B of the Declaration. Please note that these data were previously submitted in the declaration.

	Impact strength	Color (Value b)	Initial Haze	Haze deviation after Moisture and heat resistance test
Example 1	16	0.0	2.3	5
Example B	15.5	2.5	4.0	18

As shown above, the Haze of the resin prepared by the present invention increased only by 2.7 after the moisture and heat resistance test while the resin prepared using the emulsifier used in Minoru lost its clarity substantially after the moisture and heat resistance

test even though it was prepared with the amount of the emulsifier, which falls within the metes and bounds of the claimed invention.

Minoru discloses a process for shock-proof resin and does not teach or concern moisture and heat resistance of the resin. Also, as stated previously, Minoru merely recites a long list of emulsifiers, but it does not teach or suggest alkylaryl sulfonate salt to be used to improve heat and moisture resistance as in the present invention.

The Examiner has reached his conclusion that the claimed invention would have been obvious to one of skill in the art at the time of the invention merely because the claimed invention uses the similar starting materials and process without showing how the differences between the claimed invention and the cited prior art could have been obvious to one of skill in the art. For example, as stated above, the claimed invention explicitly recited a particular amount of alkylaryl sulfonate salt in the process for preparing transparent resin. Yet, the Examiner has not been able to point out how Minoru teaches or suggests one of skill in the art to select this particular emulsifier and the claimed amount thereof in order to make the transparent resin having high moisture and heat resistance of the present invention. Applicants respectfully submit that the Examiner has not made a *Prima Facie* case of Obviousness.

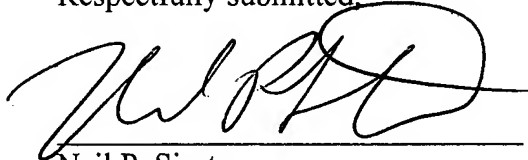
Even if a *Prima Facie* case was made, Applicants believe that, in view of the argument present here and the declaration previously submitted, the obviousness has been rebutted.

Accordingly, applicants respectfully request withdrawal of the rejection.

In view of the foregoing amendments and remarks, allowance of the pending claims is respectfully requested.

A one month extension of time has been requested and a check in the amount of \$110 is enclosed for the extension fee.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'N. P. Sirota', written over a horizontal line.

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